

CRIMINAL DOCKET - U.S. District Court on bond name shows: Thomas Joseph Nicholas, Jr. Case Filed

PO <input type="checkbox"/>	417	3	Assigned 1706	WRIT	U.S. vs. <i>Carried up to the next page</i>	Mo. 06	Day 28	Yr. 88	Docket No. 00029	Def. 02
Misd. <input type="checkbox"/>	1706			JUVENILE	• JOHN DOE a/k/a Tommy	2			No. of Def's 2	U.S. MAG. CASE NO. ▶
Felony <input checked="" type="checkbox"/>	District	Off	Judge/Magistr.	OFFENSE ON INDEX CARD		Drug Conspiracy				

I. CHARGES

U.S. TITLE/SECTION		OFFENSES CHARGED		ORIGINAL COUNTS	
21§846	Conspiracy	Count 1	1	X	
21§841(a)(1)	Possession with intent to distribute and distribute cocaine	Count 2	1	X	

II. KEY DATE

INTERVAL ONE		END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL)		END INTERVAL TWO				
KEY DATE 10-29-88	Arrest <i>ms. c.</i>	KEY DATE 6-28-88	Indictment filed/unsealed consent to Magr. trial on complaint Information Felony W/waiver	KEY DATE 11-15-88	a) 1st appears on pending charge /R40 b) Receive file R20/21 c) Suspnd. Indict. Inf d) Order New trial e) Remand f) G/P Withdrawn			
EARLIEST OF 11-15-88	sum'sns custody appears on complaint	APPLICABLE		KEY DATE 1-9-89	Dismissal Pled Guilty Nolo Trial (voir dire) began Jury N.J.			
1st appears with or waives counsel 11-15-88	ARRAIGNMENT 1-9-89	1st Trial Ended	RE-TRIAL	2nd Trial Began	DISPOSITION DATE	SENTENCE DATE	PTD Nolle Pros.	FINAL CHARGES DISMISSED on def on S.T. on gov't grounds W.P. WOP on motion

IV. NAMES & ADDRESSES OF ATTORNEYS/S. SURETIES, ETC.

III. MAGISTRATE						
Search Warrant	Issued Return	DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME:
Summons	Issued Served			PRELIMINARY EXAMINATION OR REMOVAL OR HEARING WAIVED INTERVENING INDICTMENT	Date Scheduled Date Held	DISMISSED HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW
Arrest Warrant Issued						
COMPLAINT	►					
Date of Arrest	OFFENSE (In Complaint)					

XXXXXX XXXX
Show last names and suffix numbers of other defendants on same indictment/information:

Giannone

ATTORNEYS

KIERAN SHANAHAN

Defense: 1 CJA. 2 Ret. 3 Waived. 4 Self. 5 Non / Other. 6 PD. 7 CD

1222 Woodland Drive
Fay, N.C. 28305
484-5519

*Bobby Deaver
109 Green St.
Fayetteville, N.C.
28301*

Tel # 483-0147

70 days up: 1/24/89

90 days up: *1/27/88*

FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER	Docket Entries begin on reverse side

Sen. 5/1/89 - Rel.

BAIL • RELEASE	
PRE-INDICTMENT	
Release Date	20 21 40 In Out
Bail Denied	<input type="checkbox"/> Fugitive <input type="checkbox"/> Pers. Rec.
AMOUNT SET	<input type="checkbox"/> PSA \$ <input type="checkbox"/> Conditions
Date Set	<input type="checkbox"/> 10% Dep. <input type="checkbox"/> Surety Bnd
Bail Not Made	<input type="checkbox"/> Collateral <input type="checkbox"/> 3rd Ptry
Date Bond Made	<input type="checkbox"/> Other
POST-INDICTMENT	
Release Date	11/21/88
Bail Denied	<input type="checkbox"/> Fugitive <input type="checkbox"/> Pers. Rec.
AMOUNT SET	<input type="checkbox"/> PSA \$ 10,000 <input type="checkbox"/> Conditions
Date Set	<input type="checkbox"/> 10% Dep. <input type="checkbox"/> Surety Bnd
Bail Not Made	<input type="checkbox"/> Collateral <input type="checkbox"/> 3rd Ptry
Date Bond Made	<input type="checkbox"/> Other
APPEALS FEE PAYMENTS	

DATE DOCUMENT NO	Yr	Docket No.	Def.	MASTER DOCKET - MULTIPLE DEFENDANT CASE PROCEEDINGS DOCKET FOR SINGLE DEFENDANT		PAGE <u>1</u> OF <u>1</u>	VI EXCLUDABLE DELAY		
				Start Date	End Date		Ltr Code	Total Days	
6-22-88	1.	(OPTIONAL) Show last names of defendants				V. PROCEEDINGS			
	2.	MOTION TO SEAL INDICTMENT							
		ORDER - It is hereby ordered that the indictment in the above-Captioned case, returned by the Federal Grand Jury on June 21, 1988, be sealed by the Clerk. It is further ordered that the clerk may temporarily unseal the indictment for the purpose of issuing arrest warrants for the deft. and to provide copies of the indictment to the U.S. Attorney. It is further ordered that the clerk unseal and publish the captioned indictment immediately upon the arrest of both defendants or upon request of the U.S. Attorney or upon the expiration of 7 days, whichever event occurs first. Judge Fox.							
6-23-88	3.	Request by U.S. Attorney for warrant for arrest of deft. ISSUED WARRANT Original and one copy of warrant to U.S. Marshal for service no copy of indictment attached.							
11/2/88	--	Advised by Noville Brockington - Deputy Clerk - U.S. Distr. Ct. Florence , S.C. - detention held for deft. today in Florence - deft. was ordered detained - and removed to EDNC - papers are to be forwarded.							
11/4/88	--	RECEIVED - Field Report - 10/29/88 subject arrested by FBI, SC(Bert Mayer) in Myrtle Beach - orig. warrant forwarded to FBI, SC for execution.							
11/10/88		Worksheet - CJA 23 - w/order appointing Federal Public Defender; Order of temporary detention pending hearing pursuant to Bail Reform Act - Order of detention pending trial - Commitment to another district <i>(when U. S. Marshal advises deft. in this district - I. A. to be set & appointment of counsel)</i>							
*6-28-88	4	INDICTMENT FILED - cy: AUSA, USPO, J. Britt, USM, Mag. Dixon, Fay Div. jh							
11/14/88	5	GOVERNMENT'S MOTION FOR DETENTION - NO CERTIFICATE OF SERVICE 1c: faxed to Mag. Dixon at Fayetteville by USAtty. ag							
11/15/88	--	RETURN ON WARRANT OF ARREST on Indictment - received 11/7/88 and executed 10/29/88 by Albert J. Mayer, III - FBI							
11/18/88	6	PRE-TRIAL SCHEDULING ORDER - pre-trial conference 12/5/88 motions 12/15/88 responses 12/27/88							
		(Wallace W. Dixon, U. S. Mag) 1c: U. S. Atty.; Judge Britt; & Gerald Beaver <i>(Per Pam in Fayetteville - she called our office and advised - no name as to whom she talked with - Detention hearing to be held in Fayetteville on 11/21/88)</i>							
11/15/88	--	INITIAL APPEARANCE - Mag. Dixon - Fay. - taped Advised of rights Atty. Bobby Deaver will represent deft. in entire case Court sets bail hearing for 11/21/88 at 11 A.M. Deft. remanded to custody of USM							
	7.	ORDER OF TEMPORARY DETENTION PENDING HEARING PURSUANT TO BAIL REFORM ACT - 2cs: USM and 1c: USA (Dixon, Mag.)							
11/16/88	--	ISSUED NOTICE TO APPEAR - set for detention hearing on 11/21/88 at 11 A.M. in Fay. - 1c: USPO, USM, USA, Joyce Todd, Court Reporter, mr. Deaver, Magistrate Dixon							
11/21/88	--	Detention Hearing - Mag. Dixon - Talley Taylor Ct. Reporter Governor's w/draws motion for detention Court set conditions of release - advised of penalties if conditions 3v81er-00029-BR							

LETTER CODES
For identifying periods of excludable delay per 18 USC 3161 (h) [Sections in brackets]

A Exam or hearing for mental/physical incapacity (18 USC 4244) [(1)(A)]

B NARA exam (18 USC 2902) [(1)(B)]

C State/Fed I proceeding on other charges [(1)(D)]

D Interlocutory appeal [(1)(E)]

E Pretrial motion (from filing to hearing or to other prompt disposition) [(1)(F)]

F Transfer from other district per FRCP 20.21 or 40 or Mag. Rule 6a [(1)(G)]

G Proceedings under advisement, not to exceed 30 days, after all necessary submissions filed and hearings completed [(1)(J)]

H Misc. proceedings: arraignment, parole/probation, revocation, Deportation, extradition [(1)]

I Deferral of prosecution (per 28 USC 2902) [(1)(C)]

J Transportation from another district or to/from examination or hospitalization in 10 days or less [(1)(H)]

K Consideration by Court of proposed plea agreement [(1)(D)]

L Prosecution deferred by mutual agreement [(2)]

M Unavailability of defendant or essential witness [(3)(A,B)]

N Period of mental/physical incompetence of def. to stand trial [(4)]

O Period of NARA commitment/treatment [(5)]

P Superseding indictment and/or new charges [(6)]

R Def. awaiting trial of co-defendant & no severance has been granted [(7)]

T Continuances granted per (h)(8) use "T" alone if more than one of the following reasons (T1 thru T4) is given in support of continuance [(8)(A,B)]

T1 Failure to continue would stop further proceedings or result in miscarriage of justice [(8)(B,iii)]

T2 Case unusual or complex [(8)(B,iii)]

T3 Indictment for arrest can't be filed in 30 days [(8)(B,iv)]

T4 Continuance granted to obtain or substitute counsel, or give reasonable time to prepare [(8)(B,iv)]

U Time up to withdrawal guilty plea, 3161(i)

W Grand Jury indictment time extended 30 more days, 3161 (b)

UNITED STATES DISTRICT COURT
CRIMINAL DOCKETU. S. vs Nicholas, Thomas Joseph, Jr.
(formerly John Doe a/k/a Tommy)

88-29-02-Cr-3

AO 256A *

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
11/21/88	<p>8. ORDER SETTING CONDITIONS OF RELEASE - 3rd party custody bond w/written aggeement of forfeiture for 1981 Mark VI automobile executed w/following restrictions on 11/21/88:</p> <ol style="list-style-type: none"> 1. maintain or actively seek employment Tarheel Tile & Carpet 2. travel restricted to EDNC except as allowed by specific permission from a USPO 3. avoid contact w/John Giannone, and any other person known to USC controlled substanees 4. report once a week in person to USPO 5. comply w/curfew work week M-F 10 P.M. weekends and holidays 9 P.M. 6. refrain from poss. firearm, etc., 7. refrain from excessive use of alcohol, etc., including marijuana 8. remain in residence of father's address 9. submit upon demand by USPO to urinalysis testing and search of premises (Dixon, Mag.) bys distr. by Fay. office - 11/22 1c: USPO 				
12/16/88	<p>ISSUED NOTICE TO APPEAR - set for arrgn & trial on Monday, January 9, 1989, at 9 A.M.. in Raleigh., N.C. before Judge Britt . - 1c: USA & Mr. Deaver</p>		JD		
12/27/88	<p>9. MOTION TO AMEND DOCUMENTS TO REFLECT TRUE NAME OF DEFENDANT w/cs. 1c: Judge Britt w/prop. Order</p>		sr		
12/28/88	<p>10. ORDER - deft's name incorrectly captioned in this action ordered that the documetns in this action be amended as follows: John Doe, a/k/a "Tommy" should be changed to Thomas Joseph Nicholas, Jr. (Britt, J) Cr. OB#10, P. 91. 1c: USA, USPO, USM, Judge Britt, Mag. Dixon and Mr. Deaver (ent. 12/28/88)</p>		sr		
1/9/89	At Raleigh before Judge Britt C. R. Donna Tomawski for government: Christine Dean for deft.: Bobby Deaver Arraignment & trial - A/G. Ct. 2 Deft. sworn - deft. competent Rule 11 conducted Court finds deft. competent to plead II. CONDITIONAL - MEMORANDUM OF PLEA AGREEMENT Defts/ M/D SENT: 5/1/89 Raleigh CT. 1 pending		sr		
2-14-89	<p>TRANSCRIPT OF GUILTY PLEA BEFORE THE HONORABLE W. EARL BRITT</p> January 9, 1989 Volume I of I Pages 1 - 22 Donna Tomawski, Court Reporter				
4/14/89	ISSUED NOTICE TO APPEAR FOR SENTENCING ON MONDAY, MAY 1, 1989 (changed see 4/21 AT 9:00 A. M. in Raleigh, N. C. before Judge Britt 1 cy: counsel for deft. & U. S. Atty. ag				

AO 256A

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
4/21/89	ISSUED AMENDED NOTICE TO APPEAR - now set for sen. on 5/4/89 at 9 A.M. in Raleigh before Judge Britt, instead of 5/1. 1c: USA and Mr. Deaver		sr		
5/4/89	RAL - JUDGE BRITT - JO BUSH Ct. Reporter Sentencing 12. JUDGMENT INCLUDING SENTENCING UNDER THE SENTENCING REFORM ACT Ct. 2 - 16 months impr. Supervised release for a term of 3 yrs. 1. that he not have on his person or in his possession at any time any controlled substances, specifically including marijuana, and that he submit to a search of his person or premises without a warrant and submit urinalysis or other testing procedures that may be required by the probation office for the purpose of determining his compliance with the terms of supervised release. 2. that he submit to such treatment for drug dependency as may be required by the probation office 3. that he pay a \$3,000 fine, which shall not bear interest under a schedule to be approved by the prob. office, which shall be in at least equal monthly increments during the period of supervised release 4. that he pay restitution to the U.S. Government in the sum of \$1,500.00 without interest in monthly increments under the supervision of the probation office Pay a special assessment in the amount of \$50.00. No cost of incarceration ordered. Deft. is allowed to report at his own expense at 12 o'clock noon on the date designated by the USM to inst. designated by the U.S. Bureau of Prisons. (Britt, J) Cr. OB# 11, P. 52 (ent. 5/4/89) ag				
5-4-89	13. ORDER TO SURRENDER				
6/13/89	14. MARSHALS RETURN ON JUDGMENT AND COMMITMENT - Deft. surrendered on 6/5/89 to Federal Prison Camp Maxwell AFB, Ala. 36112				
8/8/89	- TRANSCRIPT - Findings of Fact - 2 pages - Jo Bush Court Reporter -1c: USPO		sr		